74622-010
Serial No.: 09/476,448
Filed: December 30, 1999

REMARKS

This Amendment responds to the Advisory Action of January 11, 2005 and the June 21, 2004 Final Office Action. Claims 1-64 have been cancelled without prejudice. All claims directed to non-elected inventions subject to previous restriction requirements are cancelled without prejudice to being presented in a divisional application. New Claims 65-73 are now presented and are pending in this application. Claim 65 is the only independent claim. Favorable reconsideration is requested.

In the June 21, 2004 Final Office Action, Claims 15, 16, 19-21, 23, 26, 27, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Breen et al. (U.S. Patent No. 6,615,188). The Advisory Action of January 11, 2005 asserted that Applicants' Response to June 21, 2004 Final Office Action, which included a declaration of prior invention submitted under 37 C.F.R. § 1.131 to establish a date of invention for the subject matter of rejected Claims 15, 16, 19-21, 23, 26, 27 and 28 prior to the October 14, 1999 effective filing date of Breen et al., did not place the application in condition for allowance.

Applicants do not concede that Breen et al. qualifies as prior art to Applicants' claims. However, as shown above, Applicants have canceled all of the prior claims without prejudice and respectfully submit that new independent Claim 65, together with the remaining claims dependent thereon, are patentably distinct from Breen et al. (regardless of whether Breen et al. qualifies as prior art) and the remaining prior art of record for the reasons set forth below.

New Claims 65-73 are directed to improvements to on-line trading systems. More specifically, Claims 65-73 are directed to aspects of the present invention that enable financial advisors to closely monitor the trading activity of their clients who trade financial instruments using an on-line system for trading financial instruments. The structure recited in

6

the claims specifically enables the financial advisors to *assist* their clients in making and, if necessary, *correct* trade orders in real-time.

Claims 65-73 are further directed to aspects of the present invention that apply pre-determined, customizable business rules that are used to determine whether trades should be approved for execution, including business rules that are designed to limit the client's risk in trading financial instruments and can be applied in real time.

Breen et al. is directed to an on-line system for trading financial instruments that collects orders from a plurality of order terminals, aggregates the orders by transaction type, such as buy or sell types, and also by issuer of the security so that the orders can be executed as a single transaction on an exchange that, for example, results in reducing the cost per trade. (Breen, et al., Abstract, Col. 7, l. 35 – Col. 11, l. 53.) Breen et al. teaches that orders can be received in real-time, but that the trades that correspond to those orders are preferably not executed in real-time so that orders can be aggregated into a single transaction. (*Id.*, Col. 7, l. 66 - Col. 8, l. 5.)

In contrast, new independent Claim 65 reads as follows (emphasis added):

A computer-based system for trading financial instruments comprising:

a brokerage interface through which a client can, using a client computer, transmit and receive information such as client account information, quote information, *assistance information to assist the client at the client computer in using the brokerage interface*, and client order information;

a server connected to the brokerage interface for receiving from and transmitting to the brokerage interface information such as client account information, quote information, and client order information;

a mainframe computer connected to the server;

7

a trading system connected to the mainframe computer; and

a financial advisor computer connected to the mainframe computer,

wherein the mainframe computer is connected to the server, the trading system and

the financial advisor computer for (1) transmitting to, and receiving from, either of the client

computer *or the financial advisor computer* client information, associated with a particular

client, that includes that client's account information and that client's order information, (2)

determining whether that client's orders should be approved for execution based on

application of predetermined, customizable business rules to that client's received account

information and that client's received order information, and (3) executing approved client

orders.

As understood by Applicants, Breen et al. does not disclose, teach, or suggest a

financial advisor computer connected as recited in Claim 65 to an on-line trading system that

is capable of transmitting and receiving information that includes client account information

and client order information.

Moreover, as understood by Applicants, Breen et al. does not disclose, teach, or

suggest transmitting alerts and information to the user of a financial advisor computer in real-

time when the user's clients enter orders to enable the user of a financial advisor computer to

make corrections to the orders in real-time as recited in Claims 67 through 73. Breen, et al.

also does not disclose, teach, or suggest transmitting and receiving information to assist the

client in using the brokerage interface as recited in Claim 65 or where that information is

provided to the client through a trade wizard helper program as recited in Claim 66.

As understood by Applicants, Breen et al. does disclose having programming an on-

line system with business rules that designed for aggregating orders into a single trade (*see,*

Breen et al., Col. 9 l. 62 – Col. 10, l. 38), but it does not disclose, teach, or suggest

8

predetermined customizable business rules designed to limit the client's risk in trading

financial instruments that can be customized and applied in real time as recited in Claim 67.

Applicants have found nothing in the other prior art of record that would remedy the

above-noted deficiencies of Breen, et al. as a reference against the new claims.

Accordingly, the Examiner is respectfully requested to allow Claims 65-73 and to

pass this application to issue.

Respectfully submitted,

PROSKAUER ROSE LLP
Attorneys for Applicants

By _____

Date: May 20, 2005   John C. Stellabotte
                                                    Reg. No. 47,969

PROSKAUER ROSE LLP
1585 Broadway
New York, NY 10036-8299
Telephone: (212) 969-3000

9